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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,950	02/04/2002	Michael J. Wookey	P7229	4657
33438	7590	05/17/2005		
HAMILTON & TERRILE, LLP P.O. BOX 203518 AUSTIN, TX 78720			EXAMINER FLEARY, CAROLYN FATIMAH	
			ART UNIT 2152	PAPER NUMBER

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/066,950

Applicant(s)

WOOKEY ET AL.

Examiner

Carolyn F. Fleary

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/19/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 16-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claims 16-27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 4/19/2005

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "205". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following minor informalities:
 - a) The Background of the Invention does not disclose the field of the invention. (See MPEP § 608.01(c)). The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
 - (2) Description of the Related Art including information disclosed under 37

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CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."

- b) The "Cross Reference to Relate Applications" section is missing application numbers for related applications. Include appropriate application numbers where applicable. See MPEP 202.1
- c) The "BRIEF SUMMARY OF THE INVENTION" section should contain brief description of the disclosed subject matter rather repetitive claimed language of the claims. See MPEP 608.01. Appropriate correction is required.
- d) The disclosure contains inconsistent use of terminology. In specific case, on page 5 there contains various names for the same part (103). Service Module (pg 5 ll. 4) and Software Module (pg 5 ll. 15). In addition the term "the infrastructure" (pg 6 ll. 29-30) lacks appropriate antecedent basis. The exists several recitations of "infrastructures", for example on pages 5-6 disclose: Infrastructure communication portion (106), the remote services infrastructure (102), The Infrastructure (102), The Infrastructure service portion (104). Such inconsistency in terminology makes it unclear as to which "the infrastructure" (pg 6 ll. 29-30)" is being referred to. It is suggested to ensure that each "infrastructure" referred to has the appropriate antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claim 1 -2, 6-15 are rejected under 35 U.S.C. 103(a) as being anticipated by Barry et al. (6,615,258)

In regards to claim 1, Barry et al. discloses a remote services architecture (fig. 1, col. 6 ll. 55-67, col. 7 ll. 1-12) comprising:

- a remote services infrastructure (16, 18), the infrastructure controlling remote service delivery and providing remote services data management (col. 3 ll. 64-67, col. 4 ll. 1-2,; 20-28, col. 7 ll. 5-12) ; and,
- a service module (20,12,10), the service module interacting with the remote services infrastructure to provide a specific service (col. 6 ll. 57-67, col. 7 ll. 35-56),
- the service module being segmented from the remote services infrastructure (fig. 1).

In regards to claim 2, Barry et al. discloses the remote services architecture of claim 1 (fig. 1, col. 6 ll. 55-67, col. 7 ll. 1-12)

- wherein the service module (20,12,10) includes an administration and notification interface module for providing communication services to customers and service providers to control the remote services infrastructure (col. 3 ll. 42-65)

In regards to claim 6 Barry et al. discloses the remote services architecture of claim 1 wherein the remote services infrastructure includes an infrastructure services portion, the infrastructure services portion interacting with the service module, the infrastructure services portion providing a standard interface for interacting with the service module (c 10 ll. 35-40).

In regards to claim 7, Barry et al. discloses the remote services architecture of claim 1 wherein the remote services infrastructure includes: an infrastructure communications portion, the infrastructure communications portion providing an abstraction of a protocol (HTTPS, Email, FTP col. 7 ll. 65-66, col. 8 ll. 1-24, col. 13 ll. 19-26, col. 17 ll. 45-63)

In regards to claim 8, Barry et al. discloses the remote services architecture of claim 7 wherein the abstraction of a protocol includes an abstraction of at least one of an HTTP protocol (col. 7 ll. 65-66, col. 8 ll. 1-24) and an email protocol (col. 13 ll. 19-26, col. 17 ll. 45-63)

In regards to claim 9, Barry et al. discloses the remote services architecture of claim 1 wherein the remote services infrastructure includes: an infrastructure communications portion, the infrastructure communications portion providing physical network communications (col. 3 ll. 46-51 fig. 2, col. 4 ll. 41-44, col. 17 ll. 45-63 i.e. intranet, internet, email).

In regards to claim 10, Barry et al discloses the remote services architecture of claim 9 wherein the physical network option includes at least one of Internet based communications (col. 3, ll. 42-51), private network (col. 3 ll. 34-41, ie intranet, extranet), based communications and fax communications (col. 17 ll. 44-63).

In regards to claim 11, Barry et al. discloses the remote services architecture of claim 7 wherein the infrastructure communications portion supports a communications module (col. 4 ll. 35-35, col. 8 ll. 2-15, col. 8 ll. 1-10;39-53, fig. 23 e.g. encryption, authentication)

In regards to claim 12, Barry et al. discloses the remote services architecture of claim 11 wherein the communications module includes a communications authentication module, the communications authentication module providing a customer with authentication of a communication session (abs, col. 7 ll. 4-8. col. 15 ll. 13-15, col. 20 ll. 31-41)

In regards to claim 13, Barry et al. discloses the remote services architecture of claim 11 wherein the communications module includes an encryption module, the encryption module providing encryption of a data stream (col. 8 ll. 1-10,39-53).

In regards to claim 14, Barry et al. discloses the remote services architecture of claim 11 wherein the communications module includes a queuing module, the queuing module queuing data sent through the remote services infrastructure to provide data communications integrity (col. 7 ll. 66-67, col. 8 ll. 1-39, col. 10 ll. 13-26).

In regards to claim 15, Barry discloses, the remote services architecture of claim 11 wherein the communications module includes a prioritization module, the prioritization module prioritizing for delivery data within the remote services infrastructure (col. 59 ll. 61-67, col. 60 ll. 1-25 e.g. bandwidth, load balancing).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barry et al. (6,615,258) in view of Conner et al. (US 6,816,882)

In regards to claim 3, Barry et al. discloses the remote services architecture of claim 1 (fig. 1, col. 6 ll. 55-67, col. 7 ll. 1-12)

wherein the service module includes an installation, registration (e.g. registering users, col. 18 ll. 30-35, col. 20 ll. 48-50) and change management (e.g. version management, application launch col. 7 ll. 35-56) module, the installation, registration and change management module supporting the remote services infrastructure and any other service modules deployed on top of the infrastructure .

Barry does not explicitly disclose service module includes an installation module.

Conner et al. discloses:

- wherein the service module includes an installation (col. 11. ll. 2-6, col. 12 ll. 60-63, col. 13 ll. 45-51 col., col. 17 lines 4-20; 26-31), registration (712, col. 13 ll. 20-26, col. 15 ll. 44-46) and change management (i.e. version management col. 9 lines 40-46) module, the installation, registration and change management module supporting the remote services infrastructure (fig. 4) and any other service modules deployed on top of the infrastructure (fig 7).

It would be obvious to one of ordinary skill in the art at the time of the invention to modify Barry et al. by having a service module (e.g. installation, registration, change

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management etc) to also include installation, and registration a modules, as taught by Conner et al. in order to provide the tools and services that support management of the complete lifecycle of a service from installation and configurations, to the monitoring of its operation characteristics such as availability and security to the controlled update of changes (col. 9 ll. 1-11).

In regards to claim 4, Barry et al. et al. discloses the remote services architecture of claim 1 (fig. 1, col. 6 ll. 55-67, col. 7 ll. 1-12) as modified above wherein

- the service module includes an integration point into management platforms-(col. 8 ll. 65-67, col. 15 ll. 55-61).

Barry et al. is silent on integration into system management platforms modules providing and integrations point into a systems management platform.

Conner et al. disclose a service module include which include an integration into system management platforms module (412;712), the integration into system management platforms module providing an integration point to a systems management platform(col. 8 ll. 65-67, col. 15 ll. 55-61).

It would be obvious to one of ordinary skill in the art at the time of the invention to modify Barry et al. by service module includes an integration into system management platforms module, as taught by Conner et al. in order accommodate the unique management requirements of network computing across all elements of the system, including users, applications, services, infrastructure, and hardware.

(col. 7 ll. 19-23, col. 8 ll. 65-67)

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3. Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Barry et al. (6,615,258) in view of Shah et al. (US 6,243,451))

In regards to claim 5, Barry et al. discloses the remote services architecture of claim 1 above.

Barry et al. does not disclose wherein the service module includes an application program interface for service module creation module, the application program interface for service module creation module providing an interface of abstracted services to a service module creator.

Shah et al. discloses when in the service module application program interface for service module creation module (e.g. service creation environment), the application program interface for service module creation module providing an interface of abstracted services (e.g. service definitions) to a service module creator (e.g. service management system) (col. 3 ll. 48-67, col. 13 ll. 49-64, col. 16 ll. 13-18)

It would be obvious to one of ordinary skill in the art at the time of the invention to modify Barry et al. by having an application program interface for service module creation module, the application program interface for service module creation module providing an interface of abstracted services to a service module creator, as taught by Shah in order to have a flexible service system that provides customized services with minimal software programming (See Shah et al. , col. 2 -5)

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- Lipkin; Daniel S. et al. (US 6850893) Method and apparatus for an improved security system mechanism in a business applications management system platform
- Skrzynski; Mark et al. (US 6691302) Interfacing a service component to a native API
- Chang; April S. et al. (US 6219700) Method and apparatus for managing services in a computer network from a central console
- Lewis; Lundy et al. (US 6131112) Method and apparatus for integrated network and systems management
- Acker; Deborah Lynn et al. (US 6014437) Multi service platform architecture for telephone networks
- Butler, T W et al. (US 5528677) Operating telecommunications network such that subscriber service request changes are received directly into network - using service manager which distributes requests to appropriate service modules for composition of network instructions usable by network elements for providing corresp. services
- Johnson, Scott C. et al. (US 20030237016) System and apparatus for accelerating content delivery throughout networks
- Whitehead, Susan (US 20020199182) Method and apparatus providing convergent solution to end-to end, adaptive business application management
- Waters; Donald George Paul et al. (US 6338088) Service creation apparatus for a communications network
- Pirot; Johan et al. (US 6856676) System and method of controlling and managing voice and data services in a telecommunications network

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn F. Fleary whose telephone number is (571) 572-7218. The examiner can normally be reached on 8:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Carolyn F Fleary
Examiner
Art Unit 2152

CFF


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